

Applicant: Yuan et al.
Serial No.: 09/848,159
Filed: May 3, 2001
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B1
but C1
cont

1. (Amended) A method for treating hyperlipidemia in a mammal, said method comprises a step of administering to said mammal an effective amount of an RAR antagonist or an RAR inverse agonist to treat hyperlipidemia caused other than by the administration of retinoids to the mammal.

B2
Sub C1
cont

25. (2x Amended) A method for treating hyperlipidemia in a mammal, said method comprises a step of administering to said mammal an effective amount of 4-[[4-(4-ethylphenyl)-2,2-dimethyl-(2H)-thiochromen-6-yl]-ethynyl]-benzoic acid to treat hyperlipidemia caused other than by the administration of retinoids to the mammal.

Remarks

By way of this Response, claims 1 and 25 have been amended. Support for the amendments to the claims may be found in the specification. No new matter has been added, and Applicant respectfully submits that the amendments to the claims do not raise new issues. Claims 1-26 are pending.

Applicant acknowledges and thanks the Examiner for indicating that the objection of claims 25 and 26 has been withdrawn in view of Applicant's previous response. Applicant acknowledges and thanks the Examiner for indicating that the previous rejection under 35 U.S.C. 112, second paragraph has been withdrawn in view of Applicant's previous response.

Claims 7-10, 13-15, and 17-21 remain withdrawn from consideration. Applicant respectfully submits that claim 1 is generic to these withdrawn claims, and respectfully requests that claims 7-10, 13-15, and 17-21 be examined and found allowable upon indication of the allowability of claim 1.

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Rejection Under 35 U.S.C. § 103(a)

Claims 1-6, 11, 12, 16, and 22-26 remain rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Klein (U.S. Pat. No. 5,776,699) in view of Aberg (Atherosclerosis, 1985), both of which are of record.

Apparently, the Examiner did not find Applicant's earlier remarks regarding the previous rejections of the claims persuasive because the claims did not recite limitations excluding patients who were co-administered retinoid compounds (Office Action, page 5, first full paragraph). Applicant has amended independent claims 1 and 25, and the claims dependent therefrom, to more clearly reflect that the claims are directed to subjects that have not been co-administered retinoid compounds. Support for the amendments to the claims presented herein may be found in Klein, which has been incorporated by reference into the present application (see page 6, lines 15-18), and by Examples 1-7 of the instant application (pages 23-27).

Applicant has considered the Examiner's position and respectfully traverses the rejections as they relate to the amended claims.

As indicated in Applicant's previous response, Klein states that the compounds disclosed therein "can block hypertriglyceridemia caused by coadministered retinoids" (column 20, line 65 to column 21, line 1). Klein does not specifically teach or suggest the use of RAR antagonists or inverse agonists to treat naturally occurring hyperlipidemia.

Because Klein does not specifically teach or suggest the present invention of treating hyperlipidemia caused by other than the administration of retinoids, as recited in the claims, one skilled in the art would not be motivated by Klein to use RAR antagonists,

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including AGN 194310, to treat hyperlipidemia as claimed, let alone be motivated to combine the teachings of Klein with those of Aberg to prevent myocardial infarction.

In view of the foregoing, Applicant respectfully submits that claims 1-6, 11, 12, and 22-26 are unobvious and patentable over Klein in view of Aberg under 35 U.S.C. § 103(a). Thus, Applicant respectfully submits that the claims are in condition for allowance, and respectfully requests that the above-identified application be passed to issuance at an early date.

If a telephone interview would be of assistance in advancing prosecution of the subject application, Applicant's undersigned representative invites the Examiner to telephone Greg S. Hollrigel, Ph.D. at the number provided below.

Respectfully submitted,



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CERTIFICATE OF FACSIMILE TRANSMISSION
I hereby certify that this correspondence is being transmitted via facsimile to the Commissioner for Patents in Washington, DC 20231, to fax number 703-308-4556, on or before MAY 22, 2002.

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Claims 1 and 25 have been amended as follows:

1. (Amended) A method for treating hyperlipidemia in a mammal, said method comprises a step of administering to said mammal an effective amount of an RAR antagonist or an RAR inverse agonist to treat hyperlipidemia caused other than by the administration of retinoids to the mammal.

25. (2x Amended) A method for treating hyperlipidemia in a mammal, said method comprises a step of administering to said mammal an effective amount of 4-[[4-(4-ethylphenyl)-2,2-dimethyl-(2H)-thiochromen-6-yl]-ethynyl]-benzoic acid to treat hyperlipidemia caused other than by the administration of retinoids to the mammal.